

seeking office to represent the people of Poland;

Whereas during the ensuing years of communist rule, the people of Poland suffered severe hardships because of the communist-led government's failure to provide for the basic economic needs of its people;

Whereas under communist rule, Polish intellectuals, religious leaders, labor officials, students, and reformers were imprisoned and exiled for speaking out against a succession of increasingly corrupt, inefficient, and repressive pro-Soviet puppets;

Whereas despite the harsh repression of the communist-led government and the great personal risk they faced, the Polish people struggled for freedom by staging strikes, publishing underground newspapers, organizing street protests, and speaking out against the economic and political failures of the communist regime;

Whereas in August 1980, in the wake of a shipyard workers' strike in Gdansk, the Solidarity Movement was created as the first free trade union in the Soviet Bloc nations;

Whereas ultimately 1 in 4 Polish citizens became members of the Solidarity movement, which served as the driving force for Poland's liberation from communist rule;

Whereas on June 4, 1989, the Solidarity Party secured an overwhelming victory over the existing communist government in the first open election in Poland since the end of World War II, marking the fall of pro-Soviet rule in Poland; and

Whereas this victory inspired a succession of similarly peaceful transitions from communism to democracy in other former Soviet Bloc nations: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the 20th anniversary of the end of communist rule in Poland;

(2) expresses its admiration for the people of Poland for their bravery and resolve in the face of economic hardship and political oppression under communist rule;

(3) congratulates the people of Poland for their accomplishments in the years since the end of pro-Soviet communist rule in building a free democracy, and for their contributions as international partners;

(4) expresses its appreciation for the close friendship between the Government of the United States and the Government of Poland; and

(5) urges the Government of the United States to continue to seek new ways to enhance its partnership with the Government of Poland.

#### SENATE RESOLUTION 140—COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICE MADE BY THE MEN AND WOMEN WHO HAVE LOST THEIR LIVES WHILE SERVING AS LAW ENFORCEMENT OFFICERS

Mr. LEAHY (for himself, Mr. SESSIONS, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. KOHL, Mrs. BOXER, Mr. WHITEHOUSE, Mr. FEINGOLD, Mr. KAUFMAN, and Mr. MERKLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 140

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 900,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of the peace;

Whereas peace officers are on the front lines in protecting the schools and schoolchildren of the United States;

Whereas 133 peace officers across the United States were killed in the line of duty during 2008;

Whereas Congress should strongly support initiatives to reduce violent crime and to increase the factors that contribute to the safety of law enforcement officers, including—

(1) equipment of the highest quality and modernity;

(2) increased availability and use of bullet-resistant vests;

(3) improved training; and

(4) advanced emergency medical care;

Whereas there are recorded 18,274 Federal, State, and local law enforcement officers who lost their lives in the line of duty while protecting their fellow citizens, and whose names are engraved upon the National Law Enforcement Officers Memorial in Washington, District of Columbia;

Whereas in 1962, President John F. Kennedy designated May 15th as National Peace Officers Memorial Day;

Whereas on May 15, 2009, more than 20,000 peace officers are expected to gather in Washington, District of Columbia, to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes May 15, 2009, as "National Peace Officers Memorial Day", in honor of the Federal, State, and local law enforcement officers that have been killed or injured in the line of duty; and

(2) calls on the people of the United States to observe that day with appropriate ceremony, solemnity, appreciation, and respect.

#### SENATE RESOLUTION 141—RECOGNIZING JUNE 2009 AS THE FIRST NATIONAL HEMORRHAGIC TELANGIECTASIA (HHT) MONTH, ESTABLISHED TO INCREASE AWARENESS OF HHT, WHICH IS A COMPLEX GENETIC BLOOD VESSEL DISORDER THAT AFFECTS APPROXIMATELY 70,000 PEOPLE IN THE UNITED STATES

Mr. JOHNSON (for himself and Mr. BENNETT) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 141

Whereas Hereditary Hemorrhagic Telangiectasia (HHT), also referred to as Osler-Weber-Rendu Syndrome, is a long-neglected national health problem that affects approximately 70,000 (1 in 5,000) people in the United States and 1,200,000 worldwide;

Whereas HHT is an autosomal dominant, uncommon complex genetic blood vessel disorder, characterized by telangiectases and artery-vein malformations that occurs in major organs including the lungs, brain, and liver, as well as the nasal mucosa, mouth, gastrointestinal tract, and skin of the face and hands;

Whereas left untreated, HHT can result in considerable morbidity and mortality and lead to acute and chronic health problems or sudden death;

Whereas 20 percent of those with HHT, regardless of age, suffer death and disability;

Whereas due to widespread lack of knowledge of the disorder among medical professionals, approximately 90 percent of the HHT population has not yet been diagnosed and is

at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

Whereas it is estimated that 20 to 40 percent of complications and sudden death due to these "vascular time bombs" are preventable;

Whereas patients with HHT frequently receive fragmented care from practitioners who focus on 1 organ of the body, having little knowledge about involvement in other organs or the interrelation of the syndrome systemically;

Whereas HHT is associated with serious consequences if not treated early, yet the condition is amenable to early identification and diagnosis with suitable tests, and there are acceptable treatments available in already-established facilities such as the 8 HHT Treatment Centers of Excellence in the United States; and

Whereas adequate Federal funding is needed for education, outreach, and research to prevent death and disability, improve outcomes, reduce costs, and increase the quality of life for people living with HHT: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the need to pursue research to find better treatments, and eventually, a cure for HHT;

(2) recognizes and supports the HHT Foundation International as the only advocacy organization in the United States working to find a cure for HHT while saving the lives and improving the well-being of individuals and families affected by HHT through research, outreach, education, and support;

(3) supports the designation of June 2009 as National Hereditary Hemorrhagic Telangiectasia (HHT) month, to increase awareness of HHT;

(4) acknowledges the need to identify the approximately 90 percent of the HHT population that has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

(5) recognizes the importance of comprehensive care centers in providing complete care and treatment for each patient with HHT;

(6) recognizes that stroke, lung, and brain hemorrhages can be prevented through early diagnosis, screening, and treatment of HHT;

(7) recognizes severe hemorrhages in the nose and gastrointestinal tract can be controlled through intervention, and that heart failure can be managed through proper diagnosis of HHT and treatments;

(8) recognizes that a leading medical and academic institution estimated that \$6,600,000,000 of 1-time health care costs can be saved through aggressive management of HHT in the at-risk population; and

(9) encourages the people of the United States and interested groups to observe and support the month through appropriate programs and activities that promote public awareness of HHT and potential treatments for it.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1058. Mr. DODD (for himself and Mr. SHELBY) proposed an amendment to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

SA 1059. Mr. WHITEHOUSE (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1060. Mr. WHITEHOUSE (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

**SA 1058.** Mr. DODD (for himself and Mr. SHELBY) proposed an amendment to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Credit Card Accountability Responsibility and Disclosure Act of 2009” or the “Credit CARD Act of 2009”.

(b) **TABLE OF CONTENTS.**—

The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Regulatory authority.
- Sec. 3. Effective date.

#### TITLE I—CONSUMER PROTECTION

- Sec. 101. Protection of credit cardholders.
- Sec. 102. Limits on fees and interest charges.
- Sec. 103. Use of terms clarified.
- Sec. 104. Application of card payments.
- Sec. 105. Standards applicable to initial issuance of subprime or “fee harvester” cards.
- Sec. 106. Rules regarding periodic statements.
- Sec. 107. Enhanced penalties.
- Sec. 108. Clerical amendments.

#### TITLE II—ENHANCED CONSUMER DISCLOSURES

- Sec. 201. Payoff timing disclosures.
- Sec. 202. Requirements relating to late payment deadlines and penalties.
- Sec. 203. Renewal disclosures.
- Sec. 204. Internet posting of credit card agreements.

#### TITLE III—PROTECTION OF YOUNG CONSUMERS

- Sec. 301. Extensions of credit to underage consumers.
- Sec. 302. Protection of young consumers from prescreened credit offers.
- Sec. 303. Issuance of credit cards to certain college students.

#### TITLE IV—GIFT CARDS

- Sec. 401. General-use prepaid cards, gift certificates, and store gift cards.
- Sec. 402. Relation to State laws.
- Sec. 403. Effective date.

#### TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Study and report on interchange fees.
- Sec. 502. Board review of consumer credit plans and regulations.

#### SEC. 2. REGULATORY AUTHORITY.

The Board of Governors of the Federal Reserve System (in this Act referred to as the “Board”) may issue such rules and publish such model forms as it considers necessary to carry out this Act and the amendments made by this Act.

#### SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 9 months after the date of enactment of this Act, except as otherwise specifically provided in this Act.

#### TITLE I—CONSUMER PROTECTION

##### SEC. 101. PROTECTION OF CREDIT CARD-HOLDERS.

(a) **ADVANCE NOTICE OF RATE INCREASE AND OTHER CHANGES REQUIRED.**—

(1) **AMENDMENT TO TILA.**—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(i) **ADVANCE NOTICE OF RATE INCREASE AND OTHER CHANGES REQUIRED.**—

“(1) **ADVANCE NOTICE OF INCREASE IN INTEREST RATE REQUIRED.**—In the case of any credit card account under an open end consumer credit plan, a creditor shall provide a written notice of an increase in an annual percentage rate (other than an increase due to the expiration of an introductory annual percentage rate, or due solely to a change in another rate of interest to which such rate is indexed) not later than 45 days prior to the effective date of the increase.

“(2) **ADVANCE NOTICE OF OTHER SIGNIFICANT CHANGES REQUIRED.**—In the case of any credit card account under an open end consumer credit plan, a creditor shall provide a written notice of any significant change, as determined by rule of the Board, in the terms (including an increase in any fee or finance charge, other than as provided in paragraph (1)) of the cardholder agreement between the creditor and the obligor, not later than 45 days prior to the effective date of the change.

“(3) **NOTICE OF RIGHT TO CANCEL.**—Each notice required by paragraph (1) or (2) shall be made in a clear and conspicuous manner, and shall contain a brief statement of the right of the obligor to cancel the account pursuant to rules established by the Board before the effective date of the subject rate increase or other change.

“(4) **RULE OF CONSTRUCTION.**—Closure or cancellation of an account by the obligor shall not constitute a default under an existing cardholder agreement, and shall not trigger an obligation to immediately repay the obligation in full or through a method that is less beneficial to the obligor than one of the methods described in section 171(c)(2), or the imposition of any other penalty or fee.”.

(2) **EFFECTIVE DATE.**—Notwithstanding section 3, section 127(i) of the Truth in Lending Act, as added by this subsection, shall become effective 90 days after the date of enactment of this Act.

(b) **RETROACTIVE INCREASE AND UNIVERSAL DEFAULT PROHIBITED.**—Chapter 4 of the Truth in Lending Act (15 U.S.C. 1666 et seq.) is amended—

(1) by redesignating section 171 as section 173; and

(2) by inserting after section 170 the following:

“**SEC. 171. LIMITS ON INTEREST RATE, FEE, AND FINANCE CHARGE INCREASES APPLICABLE TO OUTSTANDING BALANCES.**

“(a) **IN GENERAL.**—In the case of any credit card account under an open end consumer credit plan, no creditor may increase any annual percentage rate, fee, or finance charge applicable to any outstanding balance, except as permitted under subsection (b).

“(b) **EXCEPTIONS.**—The prohibition under subsection (a) shall not apply to—

“(1) an increase in an annual percentage rate upon the expiration of a specified period of time, provided that—

“(A) prior to commencement of that period, the creditor disclosed to the consumer, in a clear and conspicuous manner, the length of the period and the annual percentage rate that would apply after expiration of the period;

“(B) the increased annual percentage rate does not exceed the rate disclosed pursuant to subparagraph (A); and

“(C) the increased annual percentage rate is not applied to transactions that occurred prior to commencement of the period;

“(2) an increase in a variable annual percentage rate, fee, or finance charge in accordance with a credit card agreement that

provides for changes according to an index or formula;

“(3) an increase due to the failure of the obligor to comply with the terms of a workout or temporary hardship arrangement, provided that the annual percentage rate, fee, or finance charge applicable to a category of transactions following any such increase does not exceed the rate, fee, or finance charge that applied to that category of transactions prior to commencement of the arrangement; or

“(4) an increase due solely to the fact that a minimum payment by the obligor has not been received by the creditor within 60 days after the due date for such payment, provided that the creditor shall—

“(A) include, together with the notice of such increase required under section 127(i), a clear and conspicuous written statement of the reason for the increase and that the increase will terminate not later than 6 months after the date on which it is imposed, if the creditor receives the required minimum payments from the obligor during that period; and

“(B) terminate such increase not later than 6 months after the date on which it is imposed, if the creditor receives the required minimum payments during that period.

“(c) **REPAYMENT OF OUTSTANDING BALANCE.**—

“(1) **IN GENERAL.**—The creditor shall not change the terms governing the repayment of any outstanding balance, except that the creditor may provide the obligor with one of the methods described in paragraph (2) of repaying any outstanding balance, or a method that is no less beneficial to the obligor than one of those methods.

“(2) **METHODS.**—The methods described in this paragraph are—

“(A) an amortization period of not less than 5 years, beginning on the effective date of the increase set forth in the notice required under section 127(i); or

“(B) a required minimum periodic payment that includes a percentage of the outstanding balance that is equal to not more than twice the percentage required before the effective date of the increase set forth in the notice required under section 127(i).

“(d) **OUTSTANDING BALANCE DEFINED.**—For purposes of this section, the term ‘outstanding balance’ means the amount owed on a credit card account under an open end consumer credit plan as of the end of the 14th day after the date on which the creditor provides notice of an increase in the annual percentage rate, fee, or finance charge in accordance with section 127(i).”.

(c) **INTEREST RATE REDUCTION ON OPEN END CONSUMER CREDIT PLANS.**—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended by adding at the end the following:

“**SEC. 148. INTEREST RATE REDUCTION ON OPEN END CONSUMER CREDIT PLANS.**

“(a) **IN GENERAL.**—If a creditor increases the annual percentage rate applicable to a credit card account under an open end consumer credit plan, based on factors including the credit risk of the obligor, market conditions, or other factors, the creditor shall consider changes in such factors in subsequently determining whether to reduce the annual percentage rate for such obligor.

“(b) **REQUIREMENTS.**—With respect to any credit card account under an open end consumer credit plan, the creditor shall—

“(1) maintain reasonable methodologies for assessing the factors described in subsection (a);

“(2) not less frequently than once every 6 months, review accounts as to which the annual percentage rate has been increased since January 1, 2009, to assess whether such factors have changed (including whether any risk has declined);